REMARKS

Claims 1-21, 24-27, and 29-34 are pending in the application. In a final Office Action mailed September 20, 2001, Claims 1-9, 14 and 15 were rejected under 35 U.S.C. § 102(e). Claim 29 was objected to based on formalities. Claims 10-13 and 16-19 were noted as containing allowable subject matter. Finally, Claims 20, 21, 24-27 and 29-34 were allowed. Applicant thanks the Examiner for the notice of claims containing allowable subject matter and allowed claims.

In view of the remarks that follow, applicant respectfully requests reconsideration and submits that all claims are now in condition for allowance.

Claim Objection

Claim 29 stands objected to because it depends from Claim 28, which has been cancelled. Applicant thanks the Examiner for this notification and has amended Claim 29 accordingly. In view of the foregoing amendment, applicant respectfully submits that this objection has been overcome.

Rejections under 35 U.S.C. § 102

Independent Claims 1 and 14, as well as certain dependant claims stemming therefrom, stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,189,898, issued to Benoit. The Office Action sets forth the position that Benoit discloses a skate frame that includes flexible vibration dampening means integrally formed with the side walls for absorbing at least a portion of the vibrational energy transmitted from the surface to the shoe portion when the skate transverses the surface. Applicant respectfully disagrees.

Applicant respectfully notes that Benoit does not teach or suggest either flexible vibration dampening means, as set forth in independent Claim 1, or a flexible vibration dampening member, as generally set forth in independent Claim 14. Instead, Benoit teaches

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS PLLC
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

reinforcements 8 that "allow attaching, without any intermediate piece of the gliding members on a stiff metallic zone, or further on hard plastic where the reinforcements 8 would be made of a loaded plastic rather than a flexible plastic constituting the rest of the structure." Column 3, lines 49-55. Further, a skate made in accordance with Benoit has improved "torsional and flexional *stiffness* due to the reinforcement elements." Column 3, lines 64-66 (emphasis added). Finally, Benoit expressly teaches that the "metallic reinforcements 8 comprise, in their longitudinal direction *stiffening* ribs obtained by stamping, extending substantially along the whole length of the flange 2 and having a generally shape." Column 3, lines 56-59 (emphasis added).

Note that there is no disclosure or support within Benoit of the Office Action's conclusion that Benoit teaches "flexible vibration dampening means (8E) integrally formed with the side walls of the first structural member for absorbing at least a portion of the vibrational energy transmitted from the surface to the shoe portion when the skate traverses the surface." Nor is there any disclosure or support within Benoit of the conclusion that Benoit teaches "vibration dampening member (8F) integral formed with side the walls of the first and second structural members for absorbing at least a portion of vibrational energy transmitted from the surface to the shoe portion when the skate traverses the surface." Instead, Benoit expressly teaches away from the claimed embodiments of Claims 1 and 14. Specifically, and as noted above, Benoit teaches a reinforcement member for "stiffening" the frame.

In view of the foregoing remarks, applicant respectfully submits that because Benoit expressly teaches away from applicant's claimed embodiments of independent Claims 1 and 14, these claims, as well as dependent claims stemming therefrom, are not anticipated by Benoit.

Applicant further submits that Claims 1 and 14 are also nonobvious over the disclosure of Benoit. In that regard, there is no teaching or suggestion of a need or desire for flexible vibration

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

dampening means integrally formed with the side walls of a skate frame for absorbing at least a portion of vibrational energy, as generally recited in Claim 1. Further, Benoit also fails to teach or suggest the need or desire of a skate frame having a vibrational dampening member that is flexible, thereby absorbing at least a portion of vibrational energy associated with traversing a surface, as set forth in Claim 14. In fact, as noted above, Benoit *expressly* teaches away from *flexible* dampening member, wherein Benoit describes the reinforcements 8 as being "made of a loaded plastic *rather* than a flexible plastic constituting the rest of the structure." Column 3, lines 53-55 (emphasis added). Accordingly, applicant respectfully submits that Claims 1 and 14 are also nonobvious over the disclosure of Benoit.

Applicant respectfully submits that the dependent claims of the present application as allowable for at least the reasons discussed above. Additionally, the dependent claims have further limitations that distinguish over the foregoing references, whether taken individually or in hypothetical combination. Therefore, applicant respectfully submits that the dependent claims of the present application should also now be found allowable.

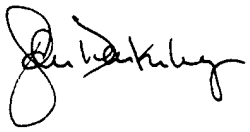
LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS PLLC
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

CONCLUSION

In light of the foregoing amendments and remarks, application respectfully submits that the present application is now in condition for allowance. Applicant respectfully requests entry of the amendment and reconsideration and allowance of all claims. The Examiner is invited to telephone the undersigned attorney if there are any remaining issues.

Respectfully submitted,

CHRISTENSEN O'CONNOR
JOHNSON KINDNESS PLLC



John D. Denkenberger
Registration No. 44,060
Direct Dial No. 206.695.1749

I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to the Commissioner for Patents, Washington, D.C. 20231, on the below date.

Date: 12/20/01 Lindsay Swirt

JDD:lls

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS PLLC
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

VERSION WITH MARKINGS TO SHOW CHANGES MADE DECEMBER 20, 2001

29. (Amended) The skate frame of Claim [28] 27, wherein the cross sectional shape of the sidewalls of the carrier frame and the outer shell is substantially arcuate, such that the arcuate cross sectional shape of the sidewalls flexes to absorb at least a portion of the vibrational energy, wherein the arcuate cross sectional shape of first and second sidewalls of the carrier frame and the outer shell is substantially C-shaped in configuration, the arcuate cross section of each sidewall has an upper end spaced from a lower end by a concave portion.

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS PLLC
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100